

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
March 10, 1930.

The Senate met at 9:59 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

McFarlane.

Absent—Excused.

Cousins.	Small.
Pollard.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Gainer and Williamson:

S. B. No. 71, A bill to be entitled "An Act to amend Article 1302, Revised Statutes 1925, so as to authorize the formation of corporations to do a mineral royalty business, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley, by request:

S. B. No. 72, A bill to be entitled "An Act to provide for the extension

of the term of oil and gas leases numbered 9690, covering Survey No. 23, No. 9725 covering Survey No. 26, No. 9724, covering Survey No. 10, and No. 9719 covering Survey No. 3, all of said surveys being on and a part of Block "F", University lands, Hudspeth County, Texas, and lease No. 9666 covering Survey No. 47, No. 9706 covering Survey No. 48, and No. 9675 covering Survey No. 28, all of said surveys being on and a part of Block "A" University lands, Hudspeth County, Texas, and lease No. 9711 covering Survey No. 43, this survey being on and part of Block "B" University lands, Hudspeth County, Texas, from the period term of five years to a period term of seven years from their respective dates, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Westbrook:

S. B. No. 73, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the latest approved tax rolls of the county; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parrish:

S. B. No. 74, A bill to be entitled "An Act validating all elections, election orders, election proceedings and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of, any home rule city that has adopted a charter under Article Eleven (11), Section Five (5), of the Constitution of Texas, and the provisions of Chapter 147, Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, but which city did not in fact have a population of five thousand according to the 1920 Federal census; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Moore:

S. B. No. 75, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of not less than 7550 and not more than 7590 ac-

ording to the United States Census of 1920, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

S. C. R. No. 8.

Senator Holbrook sent up the following resolution:

Whereas, In the passing of William Howard Taft, there was removed from the activities of this life, one of the most unique and best loved men in our national history, and

Whereas, His long and distinguished service to his country was marked not only with surpassing intellect in putting into effect the things he undertook to do, but with a fineness of character not exceeded by any man of his generation, and

Whereas, The Senate of Texas, the House of Representatives concurring, desire to record here their tribute to his memory, and to join the nation in mourning his departure, therefore be it

Resolved by said Senate of Texas, the House of Representatives concurring, That this resolution be printed in the Journal of said bodies and that a copy of same be mailed to Mrs. Taft.

HOLBROOK.

Read and adopted.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 6, amended, providing for a joint session of the House and Senate relative to the adoption of the State Song.

H. C. R. No. 9, extending the thanks of the Senate of Texas to the committee performing the duty of locating the bodies of Texas heroes and prominent Texans who had served the State in the past and

placing these bodies in the State Cemetery and there interring them.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 10, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 79, A bill to be entitled "An Act to amend Section 10a of Chapter 88, of the Acts of the Second Called Session of the Forty-first Legislature of Texas, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 10, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to House Bill No. 10 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Graves of Williamson, McCombs, Young, Wallace and Johnson of Dimmit.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Motion to Concur.

On motion of Senator Neal, the Senate concurred in the House amendment to S. C. R. No. 6.

Senator Excused.

On motion of Senator Parr, Senator McFarlane was excused fro the day on account of important business.

Senate Bill No. 53.

The Chair laid before the Senate as pending business the following bill:

By Senator Parr:

S. B. No. 53, A bill to be entitled

"An Act amending Article 916 of the Penal Code of the State of Texas of 1925 relating to wild turkeys so as to further extend the period of time during which it is unlawful to take, kill, wound, shoot at, hunt for, or possess, dead or alive, wild turkeys in certain counties, and declaring an emergency."

Senator DeBerry sent up the following amendment:

Amend S. B. No. 53 by adding after the word "bill," last line of Section 1, the following:

"Provided that all counties herein named shall hereafter be deemed and declared game preserves for all intents and purposes as now provided by law as relates to game preserves in this State."

DeBERRY.

The amendment was read.

Senator Parr moved to table the amendment. The motion prevailed.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 53, Section 1, line 6, by inserting the word "quail" after the words "turkey hen," and amend the caption accordingly.

DeBERRY.

Read and lost by the following vote:

Yeas—2.

DeBerry. Hardin.

Nays—20.

Berkeley.	Parr.
Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Miller.	Witt.
Neal.	Woodul.

Present—Not Voting.

Wirtz.

Absent.

Beck.	Pollard.
Martin.	Woodward.
McFarlane.	

Absent—Excused.

Cousins.

(Pair Recorded.)

Senator Moore (present) who would vote yea, with Senator Small (absent) who would vote nay.

The bill as amended passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 53 was put on its third reading and final passage by the following vote:

Yeas—25.

Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Beck.	McFarlane.
Cousins.	Pollard.
Martin.	Small.

Read third time and finally passed by the following vote:

Yeas—17.

Cunningham.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Miller.	Wirtz.
Neal.	Witt.
Parr.	Woodul.
Parrish.	

Nays—3.

Berkeley.	Hardin.
DeBerry.	

Absent.

Beck.	McFarlane.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Woodward.
Martin.	

(Pair Recorded.)

Senator Moore (present) who

would vote nay, with Senator Small (absent) who would vote yea.

H. C. R. No. 9.

The Chair laid before the Senate H. C. R. No. 9, thanking the committee which supervised the removal of the remains of dead heroes to Austin and reinterment in the State Cemetery.

Read and adopted.

Simple Resolution No. 14.

Senator Gainer sent up the following resolution:

Whereas, The remains of Robert McAlpine Williamson are to be removed from their resting place in Wharton County to be reentered in the State Cemetery at Austin. The date set for reinterment being Thursday, March 13, A. D. 1930; and

Whereas, It is desired to hold memorial services in the Senate Chamber at 4 p. m. on said day; therefore be it

Resolved by the Senate of the State of Texas That the Senate adjourn at 4 p. m. on said Thursday, in respect to his memory and that the Senate hold memorial services in respect to his memory in the Senate Chamber.

Be It Resolved Further, That the House of Representatives be advised of these services and that it be invited to attend in a body.

GAINER.

Read and adopted.

Free Conference Granted.

The Senate voted to grant the request of the House for a Free Conference Committee on H. B. No. 10.

The Chair announced the appointment of the following on the part of the Senate:

Senators Witt, Beck, Williamson, Wirtz and Patton.

Senate Bill No. 60.

The Chair laid before the Senate on its third reading the following bill:

By Senator Greer:

S. B. No. 60, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school

land located in El Paso County, Texas, forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Beck.	McFarlane.
Cousins.	Pollard.
Martin.	Small.

Senate Bill No. 43.

Senator Parr called up from the table the following bill:

By Senator Parr:

S. B. No. 43, A bill to be entitled "An Act providing for how lands, forming part of an irrigation district, water improvement district, water control and improvement district, or any conservation or reclamation district either or both, or of any drainage or levee district, which now are or which may subsequently be incorporated, made part of and annexed in an incorporated city, may be taken out and excluded from any such district or districts, so as to thereafter relieve said lands from any other taxes, charges or assessments in such district or districts, except their proportionate part of the bonded indebtedness existing

against said district or districts at the time they are incorporated and made part of said incorporated city and declaring an emergency."

The bill passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 43 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Cousins.	Pollard.
Martin.	Small.
McFarlane.	

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Martin.	Pollard.
McFarlane.	Small.

Absent—Excused.

Cousins.

Senate Bill No. 26.

The Chair laid before the Senate

on its second reading the following bill:

By Senator Love:

S. B. No. 26, A bill to be entitled "An Act to provide a local option method of determining whether the county superintendent of schools shall be employed by the county board of trustees, etc., and declaring an emergency."

Read second time.

Senator Williamson sent up the following amendment:

Amend S. B. No. 26 by striking out the words "at the Election of County School Trustees on the first Saturday in April 1931," and in lieu thereof insert "at the first general election."

WILLIAMSON.

The amendment was read.

Senator DeBerry sent up the following substitute for the amendment:

Section 1, line 2, by striking out the words "First Saturday in April 1931," and insert in lieu thereof the following: "The last Saturday in July 1930."

DeBERRY.

The amendment was read.

Recess.

On motion of Senator Russek the Senate, at 12:01 o'clock, recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Point of No Quorum.

Senator Hyer raised the point of order that a quorum was lacking. The roll call showed 19 present.

The quorum was completed at 2:08 o'clock p. m.

Resolution Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 6.

Senate Bill No. 26.

The question recurred upon the pending substitute for the amendment to S. B. No. 26.

Senator Love moved the previous question on the bill. The motion failed to receive the proper seconding.

Senator Witt moved the previous question on the amendment and the engrossment of the bill. The motion failed to receive the proper seconding.

Senator Stevenson moved that the further consideration of the bill and the amendments be indefinitely postponed.

On motion of Senator Miller the previous question on the motion was ordered.

The motion to indefinitely postpone prevailed by the following vote:

Yeas—12.

Berkeley.	Moore.
Cunningham.	Parr.
Gainer.	Parrish.
Hardin.	Russek.
Holbrook.	Stevenson.
Miller.	Williamson.

Nays—8.

Greer.	Westbrook.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.

Absent.

Neal.

Absent—Excused.

Cousins.	Pollard.
McFarlane.	

(Pairs Recorded.)

Senator Beck (present) who would vote yea, with Senator McFarland (absent) who would vote yea.

Senator DeBerry (present) who would vote yea, with Senator Small (absent) who would vote nay.

Senator Patton (present) who would vote nay, with Senator Martin (absent, who would vote yea.

Senator Wirtz (present) who would vote yea, with Senator Thomason (absent) who would vote nay.

Senate Bill No. 62.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 62, A bill to be entitled "An Act to amend Title 76, of the Revised Civil Statutes of Texas of 1925, by adding thereto Article 4644a, providing that no injunction shall be granted to stay or prevent the vacating, abandonment or closing, by the City Council or governing body of any incorporated city of this State, of any street or alley in any such incorporated city of this State, except at the suit of the owner or lessees of real property actually abutting on that part of such street or alley actually vacated, abandoned or closed, and then only in the event that the damages of said owner or lessee shall not have been released or shall not have been ascertained and paid in a condemnation suit by such city, provided that any person who, under existing laws, has the right to enjoin a city from vacating abandoning or closing any street or alley of such city and whose right to such injunction is denied by this Act, shall have the right to an action for damages for any injury that he may sustain by reason of the vacating, abandoning or closing of any street or alley by such city, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 62 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Cousins.	Pollard.
Martin.	Small.
McFarlane.	

Read third time and finally passed
by the following vote:

Yeas—25.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Cousins.	Pollard.
Martin.	Small.
McFarlane.	

House Bill Referred.

H. B. No. 79 referred to Committee on State Affairs.

Senate Bill No. 31.

The Chair laid before the Senate on its second reading the following bill.

By Senator Neal:

S. B. No. 31, A bill to be entitled "An Act to extend the term of office of elective county superintendents of public instruction to four years and declaring an emergency."

The bill passed to engrossment by the following vote:

Yeas—13.

Beck.	Patton.
Gainer.	Stevenson.
Greer.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodward.
Neal.	

Nays—10.

Berkeley.	Hardin.
Cunningham.	Holbrook.

Martin.	Parr.
Miller.	Russek.
Moore.	Wirtz.

Absent.

Thomason.	Woodul.
-----------	---------

Absent—Excused.

Cousins.	Pollard.
----------	----------

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Small (absent) who would vote yea.

Senator Pollard (present) who would vote yea, with Senator McFarlane (absent) who would vote nay.

Senator Wirtz (present) who would vote nay, with Senator Thomason (absent) who would vote yea.

Senate Bill No. 36.

The Chair laid before the Senate on its second reading the following bill:

By Senator McFarlane:

S. B. No. 36, A bill to be entitled "An Act to amend Article 1747, of the Revised Civil Statutes of Texas, 1925, so as to permit persons unable to pay costs or give security therefor, to be entitled to prosecute their appeal in the appellate courts without requiring any bond, and declaring an emergency."

On motion of Senator Hornsby the bill was laid on the table subject to call.

Senate Bill No. 42.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hyer:

S. B. No. 42, A bill to be entitled "An Act amending Articles 5738 and 5742 of the Revised Civil Statutes of 1925, as amended by S. B. No. 84, Acts of the Fourth Called Session of the Forty-first Legislature, filed in the office of the Secretary of State, February 17, 1930, relating to co-operative marketing associations, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hyer the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 42 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Pollard.
McFarlane.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Pollard.
McFarlane.	Small.

Senate Bill No. 45.

The Chair laid before the Senate on its second reading the following bill:

By Senator Thomason:

S. B. No. 45, A bill to be entitled "An Act providing for a maximum amount to be budgeted by the county board of school trustees for annual office and traveling expenses of the county superintendent of public instruction, repealing all laws in conflict herewith, and declaring an emergency."

Read second time.

On motion of Senator Parrish the bill was laid on the table subject to call.

Senate Bill No. 44.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parrish:

S. B. No. 44, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 26, Acts of the Fourth Called Session of the Forty-first Legislature, with reference to salaries of county judges and county commissioners; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 44 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Pollard.
McFarlane.	Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Love.
Berkeley.	Martin.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Russek.
Hyer.	Stevenson.

Thomason.
Westbrook.
Williamson.
Wirtz.

Absent—Excused.

Cousins.
McFarlane,

Pollard.
Small.

Senate Bill No. 45.

Senator Thomason called up from the table S. B. No. 45.

Senator Williamson sent up the following amendment:

Amend S. B. No. 45 by striking out the figures \$1,200 in Section 1 and insert in lieu thereof the figures \$600.00.

WILLIAMSON.

The amendment was read.

Senator Moore sent up the following substitute for the pending amendment:

Amend S. B. No. 45 by striking out the figures \$1200.00 and insert in lieu thereof the figures \$400.00.

MOORE.

The substitute was read and passed by the following vote:

Yeas—13.

Berkeley.
Cunningham.
Gainer.
Hardin.
Hyer.
Martin.
Miller.

Moore.
Parrish.
Russek.
Westbrook.
Wirtz.
Woodward.

Nays—11.

Beck.
Greer.
Hornsby.
Love.
Neal.
Parr.

Patton.
Thomason.
Williamson.
Witt.
Woodul.

Absent.

DeBerry.
Holbrook.

Stevenson.

Absent—Excused.

Cousins.
McFarlane.

Pollard.
Small.

(Pair Recorded.)

Senator DeBerry (present) who would vote yea, with Senator Small (absent) who would vote nay.

The amendment as substituted was adopted.

The bill as amended passed to engrossment by the following vote:

Yeas—18.

Beck.
Berkeley.
Cunningham.
Greer.
Hardin.
Hornsby.
Hyer.
Love.
Moore.

Neal.
Parrish.
Patton.
Thomason.
Westbrook.
Williamson.
Witt.
Woodul.
Woodward.

Nays—5.

Gainer.
Martin.
Miller.

Russek.
Wirtz.

Absent.

Holbrook.

Stevenson.

Absent—Excused.

Cousins.

Pollard.

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Small (absent) who would vote yea.

Senator Parr (present) who would vote yea, with Senator McFarlane (absent) who would vote nay.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 45 was put on its third reading and final passage by the following vote:

Yeas—20.

Beck.
Berkeley.
Cunningham.
Greer.
Hardin.
Hornsby.
Hyer.
Love.
Moore.
Neal.

Parr.
Parrish.
Patton.
Thomason.
Westbrook.
Williamson.
Wirtz.
Witt.
Woodul.
Woodward.

Nays—5.

DeBerry.
Gainer.
Martin.

Miller.
Russek.

Absent.

Holbrook.

Stevenson.

Absent—Excused.

Cousins.	Pollard.
McFarlane.	Small.

Read third time and finally passed by the following vote:

Yeas—18.

Beck.	Parr.
Berkeley.	Parrish.
Greer.	Patton.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodul.
Neal.	Woodward.

Nays—6.

Cunningham.	Miller.
Gainer.	Russek.
Martin.	Wirtz.

Absent.

Holbrook.	Stevenson.
-----------	------------

Absent—Excused.

Cousins.	Pollard.
McFarlane.	

(Pair Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Small (absent) who would vote yea.

Senate Bill No. 68.

The Chair laid before the Senate on its second reading the following bill:

By Senators Cousins, Thomason, Patton and Woodul:

S. B. No. 68, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political subdivision of this State, for the construction of seawalls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the result of such election; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring

bills to be read on three several days was suspended and S. B. No. 68 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Thomason.
Hardin.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Holbrook.	Stevenson.
-----------	------------

Absent—Excused.

Cousins.	Pollard.
McFarlane.	Small.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Thomason.
Hardin.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Holbrook.	Stevenson.
-----------	------------

Absent—Excused.

Cousins.	Pollard.
McFarlane.	Small.

Motion to Adjourn.

Senator Witt moved to adjourn until 10 o'clock tomorrow morning. The motion was lost.

Senate Bill No. 58.

Senator Love received unanimous consent to take up out of its regular order the following bill:

By Senators Love, DeBerry and Russek:

S. B. No. 58, A bill to be entitled "An Act to amend Chapter 14, Section 10, Acts of the Forty-first Legislature, Third Called Session, relating to the restriction of the payment by the State of tuition for high School students; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time nad passed to engrossment.

On motion of Senator Russek the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 58 was put on its third reading and final passage by the following vote:

Yeas—22.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Russek.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Present—Not Voting.

Gainer. Wirtz.

Absent.

Hardin. Stevenson.
Holbrook.

Absent—Excused.

Cousins. Pollard.
McFarlane. Small.

Read third time and, on motion of Senator DeBerry, finally passed by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Thomason.
Hardin.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Holbrook. Stevenson.

Absent—Excused.

Cousins. Pollard.
McFarlane. Small.

Adjournment.

On motion of Senator Wirtz, the Senate, at 5:10 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 60 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 29 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 24 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 38 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
30 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
19 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
39 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
21 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
65 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
27 carefully examined and compared

and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
32 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
53 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
44 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
31 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
62 carefully examined and compared
and find the same correctly en-
grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 43 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 6 carefully examined and compared and find the same correctly enrolled and have this day at 2:10 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 50, A bill to be entitled "An Act providing that all district courts and all criminal district courts in this State shall be required to keep their courts open for business the full maximum time authorized for the respective terms of such courts, and providing that the judges of such courts shall not be authorized to close the minutes of their respective courts prior to the expiration of the maximum terms thereof; requiring the judges to file with the Comptroller a statement showing compliance with this Act before receiving salary and fixing a penalty for failure to comply with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairmna.

By Moore.

S. B. No. 50.

A BILL

To Be Entitled

An Act providing that all District Courts and all Criminal District Courts in this State shall be required to keep their courts open for business the full maximum time authorized for the respective terms of such courts, and provid-

ing that the judges of such courts shall not be authorized to close the minutes of their respective courts prior to the expiration of the maximum terms thereof; requiring the judges to file with the Comptroller a statement showing compliance with this Act before receiving salary and fixing a penalty for failure to comply with this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All District Courts and all Criminal District Courts of this State are hereby required to remain open and in session for the transaction of business therein for the full period of the terms of such courts as is now prescribed and authorized by law. No judge of any of said courts shall be authorized to close the terms of said courts prior to the expiration of the maximum terms of any of such courts as is fixed by law. The judges of the respective courts hereby affected are prohibited from closing the minutes of said courts at a time prior to the expiration of the maximum terms now fixed for the respective terms of the various courts, but said minutes shall be kept open and said courts shall be available for the transaction of any business legally coming before same during the respective terms thereof. Nothing in this Act shall be construed to require the judges of the respective courts affected by this Act to remain in constant daily attendance upon said courts during all of the terms of said courts as authorized by law, but said judges shall be required to be in attendance only when there is legal business to be transacted in said courts.

Sec. 2. It shall be the duty of each District Judge and each Criminal District Judge in Texas to file a monthly statement with the Comptroller of Public Accounts, which statement shall set forth, under oath, whether he has complied in full with the above provisions; and upon failure of any judge so affected, or any judge who fails or refuses to comply with the above provisions, shall forfeit to the State of Texas the sum of twenty-five (\$25.00) dollars per day for each day his court is closed prior to the legal expiration date thereof, and the Comp-

troller of Public Accounts is hereby authorized and directed to deduct the total amount forfeited under the provisions of this Act, as shown by the report required to be filed; and the Comptroller is hereby expressly prohibited from paying the monthly salary account of any judge affected by the provisions of this Act until such judge has filed the monthly statement herein required.

Sec. 3. The fact that the practice is followed in some of the Judicial Districts in this State of closing the terms of courts and approving the minutes thereof prior to the expiration of the maximum terms authorized for holding terms of court in such districts, thereby depriving litigants of the opportunity to adjudicate their rights and have their cases tried until the next term of court, the further fact that this Act will in a measure correct this practice creates an emergency and an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be suspended, and same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 10, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 70, A bill to be entitled "An Act to amend Section 10-A of Chapter 88, General Laws passed by the Third Called Session of the Forty-first Legislature, so as to change the law with reference to population of any city or town or village in which a Deputy Tax Collector may be appointed to register motor vehicles; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

By Cunningham.

S. B. No. 70.

A BILL

To Be Entitled

An Act to amend Section 10a of

Chapter 88, General Laws passed by the Third Called Session of the Forty-first Legislature, so as to change the law with reference to population of any city or town or village in which a Deputy Tax Collector may be appointed to register Motor Vehicles; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 10a of Chapter 88, of the General Laws passed by the Third Called Session of the Forty-first Legislature be amended so as to hereafter read as follows:

Section 10a. All funds required by this Act to be remitted to the State Highway Department, which are not remitted within sixty days after being collected, shall thereafter bear interest for the benefit of the State Highway Fund at the rate of ten (10%) per cent per annum which interest shall be charged to each county tax collector failing or refusing to remit said funds within said period of sixty days. The exact amount of said interest charge shall be determined by the State Highway Department by a careful audit of the license fees received and disbursed by said tax collector pursuant to the laws relating to the registration and transfer of vehicles; and the State of Texas shall have a valid claim against the County Tax Collector and his official bondsmen for the amount of such interest as determined by said audit. It is hereby expressly provided that no County Tax Collector shall maintain more than one office at which vehicles may be registered under the provisions of this Act, but such Tax Collector may maintain one or more branch office in any city town or village within his county having a population of Three Hundred or more, provided, however, that no person shall be authorized or permitted to collect any license fees under the provisions of this Act, except the Tax Collector or a duly authorized and appointed deputy.

Sec. 2. The fact that in many counties of Texas there are cities or town outside of the county site, compelled to go a long distance to procure Motor Vehicle registrations, and that this fact entails considerable

loss of time and is an expense to Motor Vehicle owners, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and this Act, shall take effect and be in force from and after its passage, and it is so enacted.

Committee Romo,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 73, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the latest approved tax rolls of the county; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 71, A bill to be entitled "An Act to amend Article 1302, Revised Statutes 1925, so as to authorize the formation of corporations to do a mineral royalty business, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Gainer and Williamson. S. B. No. 71.

A BILL
To Be Entitled
An Act to amend Article 1302, Revised Statutes 1925, so as to authorize the formation of corporations to do a mineral royalty business, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1302, Re-

vised Statutes 1925, be and the same is hereby amended by adding a further subdivision thereto as follows:

"Royalty corporations. Corporations may be formed to acquire, bring together, hold, dispose of and deal in royalty and other interests in minerals, and to manage, control and exploit said mineral interests, and to collect the revenue arising therefrom."

Sec. 2. The fact that corporations are not now permitted to engage in a mineral royalty business in Texas, although corporations are authorized to transact such business in other states, results in discrimination against citizens of Texas and imposes unreasonable burdens upon them by requiring them to transact such business with liability as partners, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this bill take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 10, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 46, A bill to be entitled "An Act to empower executors and administrators to renew debts of estates of decedents secured by liens on real estate and providing a method for making such renewals."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Martin. S. B. No. 46.

A BILL
To Be Entitled
An Act to empower executors and administrators to renew debts of estates of decedents secured by liens on real estate and providing a method for making such renewals.

Section 1. Should an executor or administrator of the estate of a deceased person not have sufficient

funds in hand belonging to such estate to pay and discharge any debt of such estate secured by lien on any of the real estate of said estate, he may, with the consent of the court in which such estate is pending, renew and extend such indebtedness, together with the lien securing the same. The renewal shall be made for the time and on such terms as the court may deem for the best interest of the estate, but no debt barred by limitation shall be renewed or extended. Such renewal or extension shall operate as a release of the other assets of the estate from liability for the payment of such debt.

Sec. 2. No such renewal or extension shall be made except by order of the court upon application therefor.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,
March 11, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Love:

S. B. No. 76, A bill to be entitled "An Act amending Article 2791, Title 49, Revised Civil Statutes of Texas, 1925, providing for tax assessors and collectors of independent school districts, fixing their powers and bond, prescribing the duties thereof, and fixing the fees of said assessors and collectors so that the bond required of such tax assessors and collectors of independent school districts shall be in a sum equivalent to forty per cent of the whole amount of the school district taxes for the district as shown by the last preceding assessment, provided said bond shall in no event exceed fifty thousand dollars; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Patton:

S. B. No. 77, A bill to be entitled "An Act to amend Chapter 81, page 224, of the General and Special Laws of the First Called Session of the Fortieth Legislature, 1927, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Patton:

S. B. No. 78, A bill to be entitled "An Act to amend Article 7150, Revised Civil Statutes of Texas, 1925, providing for the exemption of certain property from taxation, by adding thereto another Section No. 3a, wherein it is provided that property heretofore or hereafter acquired by the State for prison farms or other prison purposes shall not be exempt from payment of its pro rata of any maintenance tax of a public school district which said territory or property is a part; providing for the manner of assessing such taxes, how they shall be paid; and providing for the payment of such taxes where delinquent as well as to the future payment thereof."

Read first time and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 79, A bill to be entitled "An Act empowering the county